

0309

BOX:

473

FOLDER:

4335

DESCRIPTION:

Smith, George

DATE:

03/31/92



4335

0310

POOR QUALITY
ORIGINAL

70-178

Counsel,
Filed
day of March 1892

Pleas: *Murder*

THE PEOPLE

vs.

George Smith

Part 2 - April 25, 1892
Reads & Kingdon 3rd Reg.
as a second offense

DE LANCEY NICOLL,

District Attorney
Part 3 to fix a day for trial Apr. 20 1892
Officer King

A TRUE BILL,

W. H. D.
W. H. D.

Foreman.
Please notify Council Friday that
day of trial was fixed 2 p.m. 2
April 20 1892

We that the foreman is ordered
at Sing Sing, N.Y.

Part 2. April 25th 1892
W.H.D.

Wm. Frederick

Wm. Reed

W. Reed

John W. C. Culey

Boek

9.44.6 Mrs J. P.
May 23/92

1/2m Frederich
 1/2m Rena
 1/2m Deep
 1/2m W. C. Aule
 1/2m Boek

9.44.6 hrs J.P.
May 23/25

Counsel,
Filed
day of March 1892
Pleads,

THE PEOPLE
247 Elm street
325 E. 5th st
US.

George Smith
 (Cm. Wm. W. W. W.)
 Oct 2 - about 25, 1892
 Reads 4 English 3 Welsh.
 as a second offense

DE LANCEY NICOLL,

Part 3 to five a day for total Apr. 20 1/2
 Commission Paid
 District Attorney
 4/14/12

A TRUE BILL.

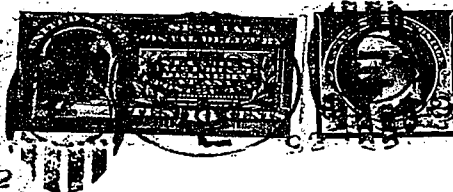
Final Paid 3, Oct 15, 1912
~~paid to bank~~
 129260

Please satisfy Currier for day. That day in trial was fixed 2. m. D. April 20. 1892.

See that Mr. Jackson is not told
at Sing Sing, U.S.D.
May 2
Part 2. April 25th 1872
MSA

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POOR QUALITY
ORIGINAL



Mr. Hon. Frederick Smyth
Recorder
15 West 46th St.
New York City

I live at 97 Rivington Street in this City. My place of business is at No. 359 Broome Street. That was my place of business in the month of March last and is now. At that place I carry on a meerschmum pipe business. On the 20th day of March, 1892, or on the 19th which was Saturday, I closed my store at ten o'clock. I locked every door securely, as I have done for the last twelve years. There is a large wooden shutter which closed before the door, and I have wooden shutters all around the

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window. There is one door to my store, and there is one large show-window at the side of the door. There are three different locks to the door and I am positive I locked the three of them. The shutter was fastened with two iron spikes on the top which entered into the woodwork of the door. When I locked up my shop on that night I did not leave any person on the premises. All my stock which I value at \$4,000 was in the place at the time I locked it up. I returned to my store on Sunday morning at half past ten o'clock, and found that my premises had been broken into; a pane of glass in the window had been broken; I saw a number of pieces of glass with paper pasted on them lying in the street in front of my store. My entire stock with the exception of one meerschaum pipe was gone. I then went to the ~~xxxx~~ station-house and complained to the sergeant of my loss. A few weeks afterwards I saw a portion of my property in Inspector Byrnes' office; it consisted of pipes, cigar-holders and different articles belonging to me. I also found cases with my name stamped upon the inside of them. All of this property I positively identified as mine. The value of the property recovered by the detectives for me was about \$1,200. I have never seen the defendant or had any conversation with him. When I arrived at my store, on Sunday morning the 20th, I found the marks of a powerful jimmy on the door.

CROSS-EXAMINATION.

I left my establishment on the night of the 19th, and did not return until the morning after. I do not know of my own knowledge who committed this burglary.

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MATTHIAS MERTZ, a witness for the People, sworn testified:

I live at No. 366 Livingston Street, Brooklyn. I am employed in a wholesale silk house in this city, and have been employed in the capacity of clerk for three years. I know the premises No. 359 Broome Street. On the night of the 19th of March I was in the vicinity of those premises between 12 and 1 o'clock. I saw John Gore on that night in the vicinity of those premises. When I first saw him, he was in company with a shorter man, standing right in the doorway, covering the doorway. I was on the other side of Broome Street in company with a young lady. We were walking down towards Mott Street. I saw two men standing in Fredericks' doorway, a tall man and a shorter man. I looked right over at them, thinking they were two friends of mine. The two men walked away slowly to the corner, and I saw the defendant's face in the light of the lamp. I looked at him square in the face to see if he was a friend of mine. I could remember that face if I saw it again. I am certain the man John Gore is the man whose face I saw on that night. I got a good view of his face in the glare of the light on the corner. I cannot be mistaken. I next saw the prisoner at Police Headquarters, Inspector Byrnes' office. He was placed in a line of twelve or fourteen men. I recognized him at once when I saw him.

CROSS-EXAMINATION.

I had never seen the defendant before that night to my knowledge. I was paying some attention to the young

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lady in whose company I was. Mr Fredericks' establishment is about three doors from the corner of Elizabeth Street. I crossed over to the side of the street in which his establishment was. The reason I looked at Gore so closely was because at first I thought he was a friend of mine. After leaving the young lady at her home I went to my home in Brooklyn. The glance I got at Gore's face was momentary but I took a good square look at him. When the officers brought me to police headquarters, they told me they had arrested some men whom they believed were the individuals who committed this burglary. When I arrived at police headquarters, I was ushered into a private room. Afterwards I was taken into a room in which I found a line of men. By the instructions of the detective I simply looked at the men, made no sign of recognizing anyone and walked out. When I returned to the private room I informed the detectives that the man was in the line. Then I went out and placed my hand upon Gore.

A L L E N H O W A R D, a witness for the people, sworn testified:

I am jointly indicted with the defendants Collins, Gore and Pope on the charge of committing this burglary and receiving stolen goods. Since my arrest on the 26th of March, I have been an inmate of the Tombs. At the time of my arrest I was engaged in the restaurant business at No. 48 Great Jones Street. While I was in business there I knew a man named Gus Specht, who has been indicted for complicity in this crime as George Smith. I have known

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Smith six years. On the 23rd day of March, 1892, I saw Smith in my store and had a conversation with him. He asked me to buy some merchaum pipes; I told him I could not buy any because I didn't do that kind of business. He said "Do you know anybody that will buy them?"; I says, "I don't know, but I know some people that might, I will ask them." Then he told me he would see me on the following day. I promised that if I could sell the goods for him I would. I made an appointment to meet him on the next day at the Grand Street Ferry at about half past 11 o'clock. Smith said "You can meet me there if you can sell them, but if you can't don't meet me. I met him at half past 11 o'clock the following morning at the place appointed. Smith told me he had some merchaum pipes, cigar holders, cigarette holders, about 200 pieces in all. I said to him "Where did you get them?"; he told me he bought them. I told Smith I did not want to get into any trouble and he said "They are all right." I communicated with a man named Charles Seaton, and found that he was willing to buy the goods. Seaton told me that if it was anything he could make money on he would like to buy it, but did not care about buying anything that he didn't see. At the time I met Smith at the Grand Street Ferry there was nobody with him. I told Smith that I met a man who would buy his goods, providing they were all right and that he could get them at a bargain; but before buying them he wished to see the goods. Smith said "You can come over and look at these goods. I have them in Williamsburg". I went then in company with Smith to Williamsburg, No. 163

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South First Street -- the house of Mr Collins. In a room on the second floor I saw a number of pieces of merchandise, pipes, cigarette holders, etc/ in cases marked "John Fredericks, Broome Street" . In that house Smith told me that he wanted \$500 for the goods. I promised I would see my friend about it, and let him know. Smith told me there were three other men interested in the goods, but did not mention their names. I left Smith, agreeing to meet him at the Grand Street ferry on the following morning at half past 11 o'clock. On that same evening I saw Smith in my store in Great Jones Street about 7 or 8 o'clock. I told him I had not seen the party yet but would see him the following morning. Next day I met Smith at the Grand Street ferry at half past 11. I told him that my party wanted to see a sample of the goods. Smith agreed to go and get some of the goods and to meet me corner of 2nd Avenue and Sixth Street. As Smith left me on that day I saw Gore join him and they talked together for a while. Before leaving me Smith said that if I wanted to take a sample of the goods away I would have to leave \$100 deposit. According to the appointment made I met Smith at half past one, corner of Sixth Street and 2nd Avenue, and received the samples from him, they were merchandise cigar-holders, pipes and cigarette holders. As I was leaving the corner of Sixth Street and 2nd Avenue with the samples I saw the defendant Pope on the other side of the street, but I did not know at that time that he was interested in the case. On that night I showed the samples to Seaton, and received from him a \$20 gold bill. The next day I saw Smith at

Third Street and 2nd Avenue. I told him I had the \$100 with me. He said he wanted it in \$20 bills, and I went to a bank corner of Third Street and the Bowery and changed it. I gave Smith four \$20 bills, and received some goods from him. I went with those goods to the Vanderbilt Hotel at 42nd Street and Lexington Avenue. I registered there under the name of George Robinson, and was assigned to room 408. Seaton came with me. We opened the package which Smith had given me and found it contained merchandise goods in cases with the name of John Fredericks on the cases. Seaton then said, "That is the name of the man who was robbed on Broome Street, I don't want to have anything to do with those goods. I saw Smith at about 3 o'clock that night. He was accompanied by a man who looked like Mr Collins, but I could not swear that it was he. I told Smith my reason for not buying the goods. Smith asked me where the goods were, and I told him they had vanished. I was arrested. Smith was searched and on him was found \$100 in \$20 bills. When I told Smith that I didn't think he would get \$500 for the goods, but could get about \$350, he said "I will have to see the other parties that is in this with me." He said there were three others in it with him. I have served two terms in the penitentiary for burglary. I was present before Inspector Byrnes when Gorr, Collins, Pope and Smith were there. Inspector Byrnes asked me if I had seen any of these men before, and I told him I had seen Smith and had received the goods from him. He said "You didn't see these other people connected with Smith?" and I said "I don't know whether they were connected with him or not, I have seen

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one or two of them around together". I told the Inspector that I had gone to Williamsburg with Smith, and that he had shown me some of these meurchaum goods. I told him that I received the goods from Smith, that I didn't know the other people personally, and that I had given Smith \$100 as a deposit for these goods. I do not recollect anything else that I said to Inspector Byrnes. My statement was made in the presence of Gorr, Collins and the other defendants.

CROSS-EXAMINATION.

Gorr was not present at the time I received the meurchaum articles. Collins was not present. Neither of those men were present at the time I gave Smith \$100. I first became acquainted with Smith in the penitentiary. I had my own ideas about where Smith procured the property when I was negotiating for its purchase. I suspected that it was stolen property. Charles Seaton and I are friendly. I know that Charles Seaton was convicted as a receiver of stolen goods and sentenced to ten years imprisonment. The conviction was afterwards reversed. It was after my arrest that I found out about the burglary at Mr Fredericks place. When I received the goods from Smith I took them at once to the Vanderbilt Hotel. I thought this was perfectly proper for me to do. I had no information that the goods were stolen. I know Collins, Pope and Gorr by sight.

MORRIS SEIDENSTOCK, a witness for the People, sworn testified:

I keep a liquor saloon at the corner of 2nd Avenue

and Third Street. I saw the defendant Howard on Saturday the 26th day of March in my saloon between 12 and 1 o'clock. I cannot recollect Smith positively, but there was a man with Howard. When Howard went out he had a package about 14 or 18 inches square and a dark hand satchel. Howard and another man were in conversation for a short time, but I heard nothing they said.

STEPHEN O'BRIEN, a witness for the People, sworn testified:

I am a detective sargeant attached to the central office. I was assigned to this case on the Monday after the burglary had been committed. I saw Smith leave Howard at the Grand Street Ferry on Thursday the 24th of March about half past 7 in the morning. They both walked together to a restaurant at No. 616 Grand Street and went inside. Gorr and another man named Pope were in the doorway of No. 614 and were watching the two men in the restaurant. I saw Smith and Howard come out of the restaurant and walk down Grand Street towards the ferry. Gorr and Pope followed them. Detective sargeant Macauley and I were together. I gave Macauley some instructions, and I took a boat across the river to Broadway, Williamsburg. On my way across the river I could see Smith and Howard on the front of the boat and Gorr and pope on the rear end of the boat. My boat got into Williamsburg first and I ran as hard as I could over to the dock where their ferryboat landed. I saw Smith and Howard embark from the boat and walk up Grand Street, Williamsburg, on the right hand side. Gorr and Pope walked on the left hand side of

the street and were about fifty feet behind the other two men. Occasionally Gorr and Pope would jump into a doorway. I followed them about three or four blocks and then came back to the ferry and waited. About one o'clock Smith and Howard returned to the ferry. About 100 feet behind them came Gorr and Pope. All four men got on the same boat. I boarded the same boat also. When the men got to New York Smith and Howard got off and Gorr and Pope followed them. Smith and Howard stood on the corner of Grand and East Street together, and Gorr and Pope walked down East Street fifty feet and stood near a fence. Smith and Howard had two or three minutes' conversation, and then parted. Howard took a Grand Street car. Immediately afterwards Smith came over through East Street to where these two men were standing and they had about ten minutes' conversation together. The three men then went into the restaurant 61 Grand Street, then they came out, stood in conversation two or three minutes, and Smith left Gorr and Pope who went into the Grand Street ferry house. I got on the same boat with Gorr and Pope and went over to Grand Street, Williamsburg. I followed them and saw them go into 163 South 1st Street. I waited around there for about an hour, but they did not come out and I came back again to New York.

On Friday the 25th of March, about 12 o'clock, I saw Smith and Howard come out of a bar room corner of Tompkins and Grand Streets; they stood outside of the door in conversation two or three minutes and then parted. Smith proceeded down Grand Street, turned into East Street and

at the corner of Broome he met Gorr, Pope, Collins and another man whose name I don't know. All those men stood in conversation fifteen or twenty minutes. At that time I was with Detectives Reach and Macauley in a covered wagon. Finally they went into a side door of a saloon and after a few minutes Gorr and Smith left the others and came out. We followed Gorr and Smith in this covered wagon up through Grand Street and between Pitt and Willett they both stopped and looked back. Thinking we were observed, I got out of the wagon and followed them on foot. They went together to a beer saloon in Attorney Street, and on Attorney Street near Stanton they met Collins. The three held a conversation for awhile; then Gorr went and sat on a trunk and Collins and Smith started away. I followed Collins and Smith to the corner of Fifth Street and First Avenue and there they were joined by Pope. Then Pope, Smith and Collins went to the corner of Sixth Street and Second Avenue and stood around that corner for about fifteen minutes. At half past one Smith went through Sixth Street, Collins walked down the Avenue, Pope up the Avenue and a third party went along Sixth Street. Howard came out of the beer saloon, and had a conversation with Smith. Howard had something in paper which he shoved in his outside coat pocket. Howard then went through Third Street towards the Bowery, and while he was gone I saw Smith call Pope over to ~~xxx~~ him and had a conversation. I followed Pope and saw him go to the corner of Great Jones Street and the Bowery and join Collins. They stood in a position where they were looking at Howard's place of

business. I waited until Pope left Collins and came back to this man Smith again. They walked around that neighborhood till about five o'clock when Pope left Smith again and went over towards the Bowery. I remained with Smith until about half past five o'clock. Finally I left Smith and I went over to the corner of Great Jones Street and the Bowery, and I found those two men, Pope and Collins, in the same position watching Howard's place. I went around to police headquarters then and got a man, brought him around and showed him these two men and told him not to leave them.

On Saturday morning about ten o'clock I saw Collins, Pope and another man come out of this beer saloon in Attorney Street and walk to Fourteenth Street and Fourth Avenue. I afterwards left them at Third Avenue and 13th Street. I then went over to 2nd Avenue and at about 12 o'clock in the day while I was in a covered wagon with Detective Sargeants Macauley, Reap and Hurd, I saw Smith meet Howard. They stood in conversation a minute and Howard took something out of his hand or pocket which looked like a bill and showed it to Smith. He put it back in his pocket. Smith then went down through 3rd Street in an easterly direction and Howard went through 3rd Street in the direction of the Bowery.

On that same night at about 11 o'clock in company with Detective Sargeants Reap, Macauley and Hurd, went over to this beer saloon in Attorney Street near Stanton and arrested Pope, Collins and Gorr, who were sitting together at a table. We took them to police headquarters.

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On Monday morning I took the prisoner Howard to 163 South First Street, Williamsburg, and he identified the house as the place where he had seen the meerchaum articles. On my return I went to the cell where Gorr and Collins were locked up together, and Collins acknowledged that he lived over in that house. On the same day Gorr was identified by the witness Mertz. Howard was questioned by Inspector Byrnes in the presence of the other defendants and he stated that Smith was the man who showed him the meerchaum articles in the house in Williamsburg.

CROSS-EXAMINATION.

I did not see this burglary committed. I did not see this defendant do anything other than I have described. I did not find any of the stolen property on him.

HENRY A. WAHNKE, a witness for the People, sworn testified:

I am a teller in the Dry Dock Savings Bank. I was employed in that bank on the 26th of March last. I recollect changing a \$100 bill on that day, but cannot identify the person for whom I changed it.

JOHN MACAULEY, a witness for the People, sworn testified:

I am a Detective Sargeant attached to the central office. I was detailed on this case in company with Sargeant O'Brien. On the morning of March 24th I saw Smith meet Howard on Grand Street near the ferry and go into a restaurant at No. 616 Grand Street. Gorr and Pope stood in the doorway of No. 614. I saw Smith and Howard go

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into the ferry house. Detective O'Brien went on a Broadway ferryboat to Williamsburg, and I remained on the New York side of the ferry for about half an hour. At about a quarter of twelve on the morning of the following day I saw Howard and Smith meet on Grand Street near the ferry. They remained in conversation a short time, and went from there to the corner of Tompkins and East Street which is a liquor store. After remaining in there about ten minutes I saw Gorr and another man come down Grand Street towards the ferry. Howard and Smith remained in conversation a short time and then parted, Smith going towards the ferry and Howard going West. I followed Smith in a covered wagon to the corner of East and Broome Street where he met Gorr, Pope, Collins and another man. They went into the saloon, remained there a short time and came out. Smith and Gorr left the others standing on the corner and went down East Street to Grand. Detective O'Brien left the wagon to follow them, and we went away. On Saturday the 26th of March I saw Smith meet Howard at the corner of Third Street and Second Avenue. Howard pulled something out of his pocket and showed it to Smith. Then Howard went towards the Bowery and Smith went towards First Avenue. At about a quarter to One I saw Howard in front of the Vanderbilt Hotel walking up and down and looking around. At about half past one he entered the hotel and remained in there about an hour. When he came out we followed him to his place of business at No. 48 Great Jones Street. O'Brien, Reap and Hurd were in company with me this time in the covered wagon. Leaving him at his

place of business, we returned to the Vanderbilt Hotel, went to room 408 which was opened for us by the proprietor. We found a package there and a small hand satchel. We opened them and found that they contained meerschaum pipes, cigar holders and cigarette holders. The cases were marked "John Fredericks, 359 Broome Street". We took the largest portion of the property from the parcels and brought them into room 409 which adjoins 408. In company with Sargeant Hurd I remained in room 409 for an hour when Detective Reap then came and relieved me. O'Brien and myself then went to No. 48 Great Jones Street, Howard's place of business, and we remained there until between 10 and 11 o'clock in the night. Then O'Brien and myself and Hurd went to a lager beer saloon in Attorney Street and arrested Gorr, Pope and Collins. The goods which we took out of room 408 in the Vanderbilt Hotel were taken to police headquarters and were subsequently identified by Mr Fredericks as property which had been stolen from his place. I had a conversation with Gorr and told him he had better tell the whole truth about the matter. He said "By God, I would rather somebody else would do it than me. I don't want to do it."

CROSS-EXAMINATION.

I did not see this burglary committed. It was about a week after its commission that I saw Gorr and Collins talking with Smith. When we went to the house 163 South First Street we had some difficulty in getting in until we explained that we were police officers. I did not see this defendant at the Vanderbilt Hotel, nor did I see

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him at any time carrying any portion of the goods.

M I C H A E L J. R E A P, a witness for the People,
sworn testified:

I am a Detective Sargeant attached to the central office. I was associated with O'Brien and Macauley in this case. I first saw Smith on Friday, March 25th, about 12 o'clock at the Grand Street ferry. He and Howard met there and had a conversation. Then they went to a saloon on Tompkins Street, and ~~xxx~~ stayed there about fifteen minutes. When they came out Howard went towards the West and Smith went towards the Grand Street Ferry. In East Street ~~the~~ met Pope, Gor and Collins. They had a conversation lasting about twenty minutes. We followed the men in a covered wagon for some time, and O'Brien got out and followed them on foot. On Saturday we had the covered wagon again, and on the corner of Third Street and 2nd Avenue we saw Smith and Howard. After wards I saw Howard walking up and down in front of the Vanderbilt Hotel. He went into the hotel, remained in there about an hour, and came out. We followed him to his place in Great Jones Street, and back again to the Vanderbilt Hotel. At half past 7 on that evening I went to room 409 in the Vanderbilt Hotel and relieved Macauley. About half past 9 o'clock Smith and Howard came up to the room, and when they got in the room we arrested them. We examined the goods and found that the cases bore the name of John Fredericks, 359 Broome Street. I searched Smith, but found nothing but a knife on him. The goods were afterwards shown to Mr Fredericks

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and identified by him as his property. Smith was searched at headquarters and five \$20 bills were found on him.

CROSS-EXAMINATION.

I did not see this defendant at the Vanderbilt Hotel, nor did I see him in possession of any of the stolen property.

MATTHEW LARKINS, a witness for the People, sworn testified:

I reside at 215 East 45th Street. I am a hall-boy employed in the Vanderbilt Hotel. I remember seeing Howard in the Vanderbilt Hotel on the 26th of March. He was assigned to room No. 403. I have the register of that hotel for the 26th of March and the entry is "George Robertson, Boston, Room 403". There was another man with Howard when he first came to the hotel. He had a box and a valise with him when he came. It was a square paper box about 14 by 8. I carried the valise and the box to the elevator. I afterwards took them from the elevator and brought them to the room. I left them there with Howard. The defendant Smith is the man whom I saw return to the hotel with Howard later in the evening.

ALLEN HOWARD, recalled:

The signature in the register of the Vanderbilt Hotel, under date of March 26th, "George Robertson, Boston" was written by me and is my handwriting.

DAVID COLLINS, the defendant, sworn in his own behalf, testified:

My real name is Collin Carruthers. When I was arrested and taken to Police Headquarters, I thought it was something very serious, and I gave the wrong name. I have never been convicted of any offense before. I am a married man, and up to the time of my arrest lived with my wife in Brooklyn. I am acquainted with Smith, Gorr and Pope. I got acquainted with them in a saloon in Attorney Street which I used to frequent. I did not burglarize the premises of Mr John Fredericks, either on the night of the 19th of March or at any other time. I did not steal any of the pipes or anything else from that store. I did not know that a burglary was to be committed there. I was not at those premises on the 19th day of March. I live at 163 ^{South} First Street, Williamsburgh. Previous to the 19th of March I had a conversation with Smith in reference to a furnished room. He asked me about getting a room over in Brooklyn. I told him I lived there and that there were several furnished rooms in the house, and that my mother-in-law had the letting of them. He subsequently hired a room from my mother-in-law in the same house in which I live, and occupied it for about a week or ten days. At no time while Smith occupied that room did he show me any of the stolen articles there. I had no knowledge that those stolen articles were in my house. I did not share in the proceeds of this larceny. I did not tell Officer Macauley that Smith asked me for a place to put some of the stuff. I had a conversation with Officer

Macauley in the police court. He said to me, "If you have got anything you can tell about this thing, you had better tell it." He asked me if I lived in Brooklyn; I told him yes. He said, "Don't you know Smith and Pope and Gorr?" I told him yes. He said, "You don't know who committed the burglary, you don't know where the goods were or anything else?" I said "No, I don't." He then asked me if there was anything more I could tell him, and I told him no. He then told me I lied. When I was taken before Mr Byrnes I told him the same thing. I was in company with Smith and Gorr at different times, as the detectives have testified, but I didn't know that they were engaged then in disposing of those stolen articles. My occupation is that of a press-feeder.

CROSS-EXAMINATION.

I am positive that I was never convicted of crime either in New York County, Kings County or any other county. I am 23 years of age. I have never gone by any other name than the two names which I have given here to-day. I told Officer Macauley at the time I was arrested that I was not guilty of this burglary. I was present at Second Avenue and Sixth Street, as testified to by the officers. I was simply taking a walk then with Smith. I account for my presence in Great Jones Street opposite the premises of Howard from the fact that there was a pool-room on the other side of the street, and I was betting on the races in that pool-room.

MARY CARRUTHERS, a witness for the defendant,
sworn, testified:

I am the wife of the defendant. I live at 163
South First Street, Williamsburgh. I have a little baby
at home. I know the defendants Smith and Pope. I never
saw Smith and my husband together in our house. We occupy
the lower part of the premises; I don't know who occupy
the upper part of the house.

CROSS-EXAMINATION.

My mother hired the entire house where we live, and
rented out rooms up above. I was sick at the time my
husband says that the premises were let to the defendant
Smith, and I never saw him there. I heard my mother say
that she had rented out a room upstairs to a man, but I
never saw him.

The jury returned a verdict of guilty of grand
larceny in the first degree.

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POOR QUALITY
ORIGINAL

Indictment filed Mar. 31-1892.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

DAVID COLLINS, impleaded

with John Gorr, Frank Pope,

and Allen Howard.

Abstract of testimony on

trial, New York, May 6th.

1892.

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POOR QUALITY
ORIGINAL

COURT OF GENERAL SESSIONS, - Part III.

----- -x
: THE PEOPLE :
: OF THE STATE OF NEW YORK : Before
: Against : Hon. Frederick Smyth
: JOHN GORR, impleaded : and a jury.
: with David Collins, Frank Pope and :
: Allen Howard. :
: ----- -x

Indictment filed March 31st, 1892.

Indicted for burglary in the third degree.

New York, May 3rd, 1892.

A P P E A R A N C E S .

For the People,

Assistant District Attorney Vernon H. Davis.

For the Defendant,

Messrs. Frederick B. House and E. M. Friend.

J O H N F R E D E R I C K S, a witness for the People,
sworn, testified.

I live at 97 Rivington Street in this City. My
place of business is at No. 359 Broome Street. That was
my place of business in the month of March last and is now.
At that place I carry on a meerchaum pipe business. On
the 20th day of March, 1892, or on the 19th which was
Saturday, I closed my store at ten o'clock. I locked
every door securely, as I have done for the last twelve
years. There is a large wooden shutter which closed be-
fore the door, and I have wooden shutters all around the

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window. There is one door to my store, and there is one large show-window at the side of the door. There are three different locks to the door and I am positive I locked the three of them. The shutter was fastened with two iron spikes on the top which entered into the woodwork of the door. When I locked up my shop on that night I did not leave any person on the premises. All my stock which I value at \$4,000 was in the place at the time I locked it up. I returned to my store on Sunday morning at half past ten o'clock, and found that my premises had been broken into; a pane of glass in the window had been broken; I saw a number of pieces of glass with paper pasted on them lying in the street in front of my store. My entire stock with the exception of one meerchaum pipe was gone. I then went to the ~~sata~~ station-house and complained to the sargeant of my loss. A few weeks afterwards I saw a portion of my property in Inspector Byrnes' office; it consisted of pipes, cigar-holders and different articles belonging to me. I also found cases with my name stamped upon the inside of them. All of this property I positively identified as mine. The value of the property recovered by the detectives for me was about \$1,200. I have never seen the defendant or had any conversation with him. When I arrived at my store, on Sunday morning the 20th, I found the marks of a powerful jimmy on the door.

CROSS-EXAMINATION.

I left my establishment on the night of the 19th, and did not return until the morning after. I do not know of my own knowledge who committed this burglary.

MATTHIAS MERTZ, a witness for the People, sworn testified:

I live at No. 366 Livingston Street, Brooklyn. I am employed in a wholesale silk house in this city, and have been employed in the capacity of clerk for three years. I know the premises No. 359 Broome Street. On the night of the 19th of March I was in the vicinity of those premises between 12 and 1 o'clock. I saw John Gore on that night in the vicinity of those premises. When I first saw him, he was in company with a shorter man, standing right in the doorway, covering the doorway. I was on the other side of Broome Street in company with a young lady. We were walking down towards Mott Street. I saw two men standing in Fredericks' doorway, a tall man and a shorter man. I looked right over at them, thinking they were two friends of mine. The two men walked away slowly to the corner, and I saw the defendant's face in the light of the lamp. I looked at him square in the face to see if he was a friend of mine. I could remember that face if I saw it again. I am certain the man John Gore is the man whose face I saw on that night. I got a good view of his face in the glare of the light on the corner. I cannot be mistaken. I next saw the prisoner at Police Headquarters, Inspector Byrnes' office. He was placed in a line of twelve or fourteen men. I recognized him at once when I saw him.

CROSS-EXAMINATION.

I had never seen the defendant before that night to my knowledge. I was paying some attention to the young

lady in whose company I was. Mr Fredericks' establishment is about three doors from the corner of Elizabeth Street. I crossed over to the side of the street in which his establishment was. The reason I looked at Gore so closely was because at first I thought he was a friend of mine. After leaving the young lady at her home I went to my home in Brooklyn. The glance I got at Gore's face was momentary but I took a good square look at him. When the officers brought me to police headquarters, they told me they had arrested some men whom they believed were the individuals who committed this burglary. When I arrived at police headquarters, I was ushered into a private room. Afterwards I was taken into a room in which I found a line of men. By the instructions of the detective I simply looked at the men, made no sign of recognizing anyone and walked out. When I returned to the private room I informed the detectives that the man was in the line. Then I went out and placed my hand upon Gore.

A L L E N H O W A R D, a witness for the people, sworn testified:

I am jointly indicted with the defendants Collins, Gore and Pope on the charge of committing this burglary and receiving stolen goods. Since my arrest on the 26th of March, I have been an inmate of the Tombs. At the time of my arrest I was engaged in the restaurant business at No. 48 Great Jones Street. While I was in business there I knew a man named Gus Specht, who has been indicted for complicity in this crime as George Smith. I have known

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Smith six years. On the 23rd day of March, 1892, I saw Smith in my store and had a conversation with him. He asked me to buy some meerchaum pipes; I told him I could not buy any because I didn't do that kind of business. He said "Do you know anybody that will buy them?"; I says, "I don't know, but I know some people that might, I will ask them." Then he told me he would see me on the following day. I promised that if I could sell the goods for him I would. I made an appointment to meet him on the next day at the Grand Street Ferry at about half past 11 o'clock. Smith said "You can meet me there if you can sell them, but if you can't don't meet me. I met him at half past 11 o'clock the following morning at the place appointed. Smith told me he had some meerchaum pipes, cigar holders, cigarette holders, about 200 pieces in all. I said to him "Where did you get them?"; he told me he bought them. I told Smith I did not want to get into any trouble and he said "They are all right." I communicated with a man named Charles Seaton, and found that he was willing to buy the goods. Seaton told me that if it was anything he could make money on he would like to buy it, but did not care about buying anything that he didn't see. At the time I met Smith at the Grand Street Ferry there was nobody with him. I told Smith that I met a man who would buy his goods, providing they were all right and that he could get them at a bargain; but before buying them he wished to see the goods. Smith said "You can come over and look at these goods. I have them in Williamsburg". I went then in company with Smith to Williamsburg, No. 163

South First Street -- the house of Mr Collins. In a room on the second floor I saw a number of pieces of meerchaum, pipes, cigarette holders, etc/ in cases marked "John Fredericks, Broome Street" . In that house Smith told me that he wanted \$500 for the goods. I promised I would see my friend about it, and let him know. Smith told me there were three other men interested in the goods, but did not mention their names. I left Smith, agreeing to meet him at the Grand Street ferry on the following morning at half past 11 o'clock. On that same evening I saw Smith in my store in Great Jones Street about 7 or 8 o'clock. I told him I had not seen the party yet but would see him the following morning. Next day I met Smith at the Grand Street ferry at half past 11. I told him that my party wanted to see a sample of the goods. Smith agreed to go and get some of the goods and to meet me corner of 2nd Avenue and Sixth Street. As Smith left me on that day I saw Gore join him and they talked together for a while. Before leaving me Smith said that if I wanted to take a sample of the goods away I would have to leave \$100 deposit. According to the appointment made I met Smith at half past one, corner of Sixth Street and 2nd Avenue, and received the samples from him, they were meerchaum cigar-holders, pipes and cigarette holders. As I was leaving the corner of Sixth Street and 2nd Avenue with the samples I saw the defendant Pope on the other side of the street, but I did not know at that time that he was interested in the case. On that night I showed the samples to Seaton, and received from him a \$20 gold bill. The next day I saw Smith at

Third Street and 2nd Avenue. I told him I had the \$100 with me. He said he wanted it in \$20 bills, and I went to a bank corner of Third Street and the Bowery and changed it. I gave Smith four \$20 bills, and received some goods from him. I went with those goods to the Vanderbilt Hotel at 42nd Street and Lexington Avenue. I registered there under the name of George Robinson, and was assigned to room 408. Seaton came with me. We opened the package which Smith had given me and found it contained meerschaum goods in cases with the name of John Fredericks on the cases. Seaton then said, "That is the name of the man who was robbed on Broome Street, I don't want to have anything to do with those goods. I saw Smith at about 8 o'clock that night. He was accompanied by a man who looked like Mr Collins, but I could not swear that it was he. I told Smith my reason for not buying the goods. Smith asked me where the goods were, and I told him they had vanished. I was arrested. Smith was searched and on him was found \$100 in \$20 bills. When I told Smith that I didn't think he would get \$500 for the goods, but could get about \$350, he said "I will have to see the other parties that is in this with me." He said there were three others in it with him. I have served two terms in the penitentiary for burglary. I was present before Inspector Byrnes when Gorr, Collins, Pope and Smith were there. Inspector Byrnes asked me if I had seen any of these men before, and I told him I had seen Smith and had received the goods from him. He said "You didn't see these other people connected with Smith?" and I said "I don't know whether they were connected with him or not, I have seen

one or two of them around together". I told the Inspector that I had gone to Williamsburg with Smith, and that he had shown me some of these meercaum goods. I told him that I received the goods from Smith, that I didn't know the other people personally, and that I had given Smith \$100 as a deposit for these goods. I do not recollect anything else that I said to Inspector Byrnes. My statement was made in the presence of Gorr, Collins and the other defendants.

CROSS-EXAMINATION.

Gorr was not present at the time I received the meercaum articles. Collins was not present. Neither of those men were present at the time I gave Smith \$100. I first became acquainted with Smith in the penitentiary. I had my own ideas about where Smith procured the property when I was negotiating for its purchase. I suspected that it was stolen property. Charles Seaton and I are friendly. I know that Charles Seaton was convicted as a receiver of stolen goods and sentenced to ten years imprisonment. The conviction was afterwards reversed. It was after my arrest that I found out about the burglary at Mr Frederick's place. When I received the goods from Smith I took them at once to the Vanderbilt Hotel. I thought this was perfectly proper for me to do. I had no information that the goods were stolen. I know Collins, Pope and Gorr by sight.

M O R R I S S E I D E N S T O C K, a witness for the People, sworn testified:

I keep a liquor saloon at the corner of 2nd Avenue

and Third Street. I saw the defendant Howard on Saturday the 26th day of March in my saloon between 12 and 1 o'clock. I cannot recollect Smith positively, but there was a man with Howard. When Howard went out he had a package about 14 or 18 inches square and a dark hand satchel. Howard and another man were in conversation for a short time, but I heard nothing they said.

S T E P H E N O ' B R I E N, a witness for the People, sworn testified:

I am a detective sargeant attached to the central office. I was assigned to this case on the Monday after the burglary had been committed. I saw Smith leave Howard at the Grand Street Ferry on Thursday the 24th of March about half past 7 in the morning. They both walked together to a restaurant at No. 616 Grand Street and went inside. Gorr and another man named Pope were in the doorway of No. 614 and were watching the two men in the restaurant. I saw Smith and Howard come out of the restaurant and walk down Grand Street towards the ferry. Gorr and Pope followed them. Detective sargeant Macauley and I were together. I gave Macauley some instructions, and I took a boat across the river to Broadway, Williamsburg. On my way across the river I could see Smith and Howard on the front of the boat and Gorr and pope on the rear end of the boat. My boat got into Williamsburg first and I ran as hard as I could over to the dock where their ferryboat landed. I saw Smith and Howard embark from the boat and walk up Grand Street, Williamsburg, on the right hand side. Gorr and Pope walked on the left hand side of

the street and were about fifty feet behind the other two men. Occasionally Gorr and Pope would jump into a doorway. I followed them about three or four blocks and then came back to the ferry and waited. About one o'clock Smith and Howard returned to the ferry. About 100 feet behind them came Gorr and Pope. All four men got on the same boat. I boarded the same boat also. When the men got to New York Smith and Howard got off and Gorr and Pope followed them. Smith and Howard stood on the corner of Grand and East Street together, and Gorr and Pope walked down East Street fifty feet and stood near a fence. Smith and Howard had two or three minutes' conversation, and then parted. Howard took a Grand Street car. Immediately afterwards Smith came over through East Street to where these two men were standing and they had about ten minutes' conversation together. The three men then went into the restaurant 616 Grand Street, then they came out, stood in conversation two or three minutes, and Smith left Gorr and Pope who went into the Grand Street ferry house. I got on the same boat with Gorr and Pope and went over to Grand Street, Williamsburg. I followed them and saw them go into 163 South 1st Street. I waited around there for about an hour, but they did not come out and I came back again to New York.

On Friday the 25th of March, about 12 o'clock, I saw Smith and Howard come out of a bar room corner of Tompkins and Grand Streets; they stood outside of the door in conversation two or three minutes and then parted. Smith proceeded down Grand Street, turned into East Street and

at the corner of Broome he met Gorr, Pope, Collins and another man whose name I don't know. All those men stood in conversation fifteen or twenty minutes. At that time I was with Detectives Reach and Macauley in a covered wagon. Finally they went into a side door of a saloon and after a few minutes Gorr and Smith left the others and came out. We followed Gorr and Smith in this covered wagon up through Grand Street and between Pitt and Willett they both stopped and looked back. Thinking we were observed, I got out of the wagon and followed them on foot. They went together to a beer saloon in Attorney Street, and on Attorney Street near Stanton they met Collins. The three held a conversation for awhile; then Gorr went and sat on a trunk and Collins and Smith started away. I followed Collins and Smith to the corner of Fifth Street and First Avenue and there they were joined by Pope. Then Pope, Smith and Collins went to the corner of Sixth Street and Second Avenue and stood around that corner for about fifteen minutes. At half past one Smith went through Sixth Street, Collins walked down the Avenue, Pope up the Avenue and a third party went along Sixth Street. Howard came out of the beer saloon, and had a conversation with Smith. Howard had something in paper which he shoved in his outside coat pocket. Howard then went through Third Street towards the Bowery, and while he was gone I saw Smith call Pope over to ~~him~~ him and had a conversation. I followed Pope and saw him go to the corner of Great Jones Street and the Bowery and join Collins. They stood in a position where they were looking at Howard's place of

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business. I waited until Pope left Collins and came back to this man Smith again. They walked around that neighborhood till about five o'clock when Pope left Smith again and went over towards the Bowery. I remained with Smith until about half past five o'clock. Finally I left Smith and I went over to the corner of Great Jones Street and the Bowery, and I found those two men, Pope and Collins, in the same position watching Howard's place. I went around to police headquarters then and got a man, brought him around and showed him these two men and told him not to leave them.

On Saturday morning about ten o'clock I saw Collins, Pope and another man come out of this beer saloon in Attorney Street and walk to Fourteenth Street and Fourth Avenue. I afterwards left them at Third Avenue and 13th Street. I then went over to 2nd Avenue and at about 12 o'clock in the day while I was in a covered wagon with Detective Sargeants Macauley, Reap and Hurd, I saw Smith meet Howard. They stood in conversation a minute and Howard took something out of his hand or pocket which looked like a bill and showed it to Smith. He put it back in his pocket. Smith then went down through 3rd Street in an easterly direction and Howard went through 3rd Street in the direction of the Bowery.

On that same night at about 11 o'clock in company with Detective Sargeants Reap, Macauley and Hurd, went over to this beer saloon in Attorney Street near Stanton and arrested Pope, Collins and Gorr, who were sitting together at a table. We took them to police headquarters.

On Monday morning I took the prisoner Howard to 163 South First Street, Williamsburg, and he identified the house as the place where he had seen the meerchaum articles. On my return I went to the cell where Gorr and Collins were locked up together, and Collins acknowledged that he lived over in that house. On the same day Gorr was identified by the witness Mertz. Howard was questioned by Inspector Byrnes in the presence of the other defendants and he stated that Smith was the man who showed him the meerchaum articles in the house in Williamsburg.

CROSS-EXAMINATION.

I did not see this burglary committed. I did not see this defendant do anything other than I have described. I did not find any of the stolen property on him.

H E N R Y A . W A H N K E, a witness for the People, sworn testified:

I am a teller in the Dry Dock Savings Bank. I was employed in that bank on the 26th of March last. I recollect changing a \$100 bill on that day, but cannot identify the person for whom I changed it .

J O H N M A C A U L E Y, a witness for the People, sworn testified:

I am a Detective Sargeant attached to the central office. I was detailed on this case in company with Sargeant O'Brien. On the morning of March 24th I saw Smith meet Howard on Grand Street near the ferry and go into a restaurant at No. 616 Grand Street. Gorr and Pope stood in the doorway of No. 614. I saw Smith and Howard go

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into the ferry house. Detective O'Brien went on a Broadway ferryboat to Williamsburg, and I remained on the New York side of the ferry for about half an hour. At about a quarter of twelve on the morning of the following day I saw Howard and Smith meet on Grand Street near the ferry. They remained in conversation a short time, and went from there to the corner of Tompkins and East Street which is a liquor store. After remaining in there about ten minutes I saw Gorr and another man come down Grand Street towards the ferry. Howard and Smith remained in conversation a short time and then parted, Smith going towards the ferry and Howard going West. I followed Smith in a covered wagon to the corner of East and Broome Street where he met Gorr, Pope, Collins and another man. They went into the saloon, remained there a short time and came out. Smith and Gorr left the others standing on the corner and went down East Street to Grand. Detective O'Brien left the wagon to follow them, and we went away. On Saturday the 26th of March I saw Smith meet Howard at the corner of Third Street and Second Avenue. Howard pulled something out of his pocket and showed it to Smith. Then Howard went towards the Bowery and Smith went towards First Avenue. At about a quarter to One I saw Howard in front of the Vanderbilt Hotel walking up and down and looking around. At about half past one he entered the hotel and remained in there about an hour. When he came out we followed him to his place of business at No. 48 Great Jones Street. O'Brien, Reap and Hurd were in company with me this time in the covered wagon. Leaving him at his

place of business, we returned to the Vanderbilt Hotel, went to room 408 which was opened for us by the proprietor. We found a package there and a small hand satchel. We opened them and found that they contained meerchaum pipes, cigar holders and cigarette holders. The cases were marked "John Fredericks, 359 Broome Street". We took the largest portion of the property from the parcels and brought them into room 409 which adjoins 408. In company with Sargeant Hurd I remained in room 409 for an hour when Detective Reap then came and relieved me. O'Brien and myself then went to No. 48 Great Jones Street, Howard's place of business, and we remained there until between 10 and 11 o'clock in the night. Then O'Brien and myself and Hurd went to a lager beer saloon in Attorney Street and arrested Gorr, Pope and Collins. The goods which we took out of room 408 in the Vanderbilt Hotel were taken to police headquarters and were subsequently identified by Mr. Fredericks as property which had been stolen from his place. I had a conversation with Gorr and told him he had better tell the whole truth about the matter. He said "By God, I would rather somebody else would do it than me. I don't want to do it."

CROSS-EXAMINATION.

I did not see this burglary committed. It was about a week after its commission that I saw Gorr and Collins talking with Smith. When we went to the house 163 South First Street we had some difficulty in getting in until we explained that we were police officers. I did not see this defendant at the Vanderbilt Hotel, nor did I see

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him at any time carrying any portion of the goods.

M I C H A E L J. W R E A P, a witness for the People,
sworn testified:

I am a Detective Sargeant attached to the central office. I was associated with O'Brien and Macauley in this case. I first saw Smith on Friday, March 25th, about 12 o'clock at the Grand Street ferry. He and Howard met there and had a conversation. Then they went to a saloon on Tompkins Street, and ~~the~~ stayed there about fifteen minutes. When they came out Howard went towards the West and Smith went towards the Grand Street Ferry. In East Street ~~the~~ met Pope, Gor and Collins. They had a conversation lasting about twenty minutes. We followed the men in a covered wagon for some time, and O'Brien got out and followed them on foot. On Saturday we had the covered wagon again, and on the corner of Third Street and 2nd Avenue we saw Smith and Howard. After wards I saw Howard walking up and down in front of the Vanderbilt Hotel. He went into the hotel, remained in there about an hour, and came out. We followed him to his place in Great Jones Street, and back again to the Vanderbilt Hotel. At half past 7 on that evening I went to room 409 in the Vanderbilt Hotel and relieved Macauley. About half past 9 o'clock Smith and Howard came up to the room, and when they got in the room we arrested them. We examined the goods and found that the cases bore the name of John Fredericks, 359 Broome Street. I searched Smith, but found nothing but a knife on him. The goods were afterwards shown to Mr Fredericks

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and identified by him as his property. Smith was searched at headquarters and five \$20 bills were found on him.

CROSS-EXAMINATION.

I did not see this defendant at the Vanderbilt Hotel, nor did I see him in possession of any of the stolen property.

MATTHEW LARKINS, a witness for the People, sworn testified:

I reside at 215 East 45th Street. I am a hall-boy employed in the Vanderbilt Hotel. I remember seeing Howard in the Vanderbilt Hotel on the 26th of March. He was assigned to room No. 408. I have the register of that hotel for the 26th of March and the entry is "George Robertson, Boston, Room 408". There was another man with Howard when he first came to the hotel. He had a box and a valise with him when he came. It was a square paper box about 14 by 8. I carried the valise and the box to the elevator. I afterwards took them from the elevator and brought them to the room. I left them there with Howard. The defendant Smith is the man whom I saw return to the hotel with Howard later in the evening.

ALLEN HOWARD, recalled:

The signature in the register of the Vanderbilt Hotel, under date of March 26th, "George Robertson, Boston" was written by me and is my handwriting.

J O H N H E A R D, a witness for the people, sworn ,
testified:

I am a police officer, attached to the Central Office. I was associated with O'Brien and Macauley in this case. I first saw the defendants Smith and Howard on the 26th of March. O'Brien, Macauley and Reep were in company with me in a covered wagon. I saw Smith and Howard on the corner of Third Street and Second Avenue at about 12 o'clock. They were talking together when I saw them. Howard was waiting some time on the corner before Smith came. When he came along they stood in conversation together a short time. Howard pulled something out of his pocket and showed it to Smith. Smith went down on Second Avenue and Howard went towards the Bowery. The first I saw of them was outside of the Vanderbilt Hotel. Detective Macauley and myself went to the proprietor of the Vanderbilt Hotel. We went upstairs to room 408. We saw a package there containing meerchaum pipes and cigar holders. We took it and put it in room 409 which we occupied. We waited there until Smith and Howard came back, arrested them and took them to Police Headquarters. The property which we found in room 408 was afterwards shown to Mr Fredericks, and identified by him as his property.

CROSS-EXAMINATION.

I never saw this man until about a week after the burglary. I was only on the case on the 26th of March. The defendant Gorr was not present when the goods were found by us in the Vanderbilt Hotel. I did not see this

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POOR QUALITY
ORIGINAL

Indictment filed Mar. 31-1892.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

JOHN GORR, impleaded with
David Collins, Frank Pope
and Allen Howrd.

Abstract of testimony on the
trial New York, May 3rd
1892.

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POOR QUALITY
ORIGINAL

THE COLLEGIATE REFORMED CHURCH,
5TH AVENUE AND 29TH STREET.

May 16, 1892

The Hon. Frederick Smyth, Recorder

Dear Sir I beg leave to pre-
sent for your consideration a
plea for mercy in the case of
Collin Canithers, convicted of
grand larceny and now in the
Tombs awaiting sentence.

I shall not lay stress
upon the statement of Canithers
that he was convicted on circum-
stantial evidence, but rather
ask you to weigh in a scale

0355

POOR QUALITY
ORIGINAL

of mercy some facts concern-
ing his early life and history.

One of my young men
grew up with him and char-
acterizes him as an entirely
respectable boy, and well
connected and well brought
up.

This is his first offence.

He has a wife and infant
child dependent on him.

Such a man is likely, if
mildness may prevail in the present

juncture of his life, to return
to the traditions of his family
and of his boyhood -

My request is, that
he be sent to the Elmira
Reformatory rather than to
State Prison, on the ground
of his youth and of this
being his first offence -

From what is told me
of his youth, I find no
difficulty in believing, that
such a sentence, leaving him

Corrected but not
crushed, will restore to
society a respectable citizen,
while it will serve the
ends of legal justice and of
admonition to other young
men tempted as he has been

With due deference to your
superior judgment, and yet
with sincere conviction that
such a course as I suggest
will be adequate to the occasion,

I am, dear Sir,

Very Respectfully yours
David Jas. Parrell -
M.

Brooklyn May 22nd /92.

Recorder Smyth

Dear Sir.

I am
just able to sit up to write or otherwise
I would come and see you. I have
been ill since my husband's trial
David Collins who was convicted
of grand larceny in the first degree.
I am positive that he was home the
night of the burglary. What other
part he took in the affair I am not
aware of, only what I read in the daily
papers and also in Court. I ask you
to be merciful to him for my sake.
He has been a good husband to me.
It was bad company that has
placed him where he is to day and
I am sure that when ^{he} gets out of this

POOR QUALITY
ORIGINAL

0358

it will never happen again as he has learnt
a lesson he will not forget for some time
If he goes away I will have no support
and as you know I have a baby to take
care of I do not see how I am going to
get a living My parent are poor and
my Mother has to go out to work
to support five small children she
cannot afford to keep me. So I ask
once more to be as lenient as you
horrible can as baby and myself
will be the worst off. I hope and
pray you will favor my request.

Yours Respectfully

Mrs. Colin Carruthers

0359

POOR QUALITY
ORIGINAL

COURT OF GENERAL SESSIONS
CLERK'S OFFICE.

*only indictment taken
papers remain on file*

PEOPLE

vs.

John Corr

David Collins

Frank Pope

Allen Howard

Mch 31/92

Burg 3d

*Andrew Fay
July 18/95
for Battle*

*to be indicted for
second offense*

0360

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 21 years, occupation Clerk of No. 66 Leonard Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John Frederick and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 29 day of March, 1892

Matthias Mertz

[Signature]
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged _____ years, occupation Detective of No. 307 Mulberry St Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John Frederick and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 29 day of March, 1892

Stephen O'Brien

[Signature]
Justice.

0361

POOR QUALITY ORIGINAL

(1885)
Sec. 198-200. District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Allen Howard being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Allen Howard.*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live and how long have you resided there?

Answer. *48 Great Jones St. 4 years*

Question. What is your business or profession?

Answer. *Restaurant Keeper*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty.*
Allen Howard.

Taken before me this *29* day of *March* 189*2*
[Signature]
Police Justice.

0362

POOR QUALITY ORIGINAL

(1893)
Sec. 193-200.

2

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

John Gorr being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

John Gorr

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York

Question. Where do you live and how long have you resided there?

Answer.

81 West St. 3 months

Question. What is your business or profession?

Answer.

Picture frame maker

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty
John Gorr*

Taken before me this *29* day of *March* 189*3*
J. J. [Signature]
Police Justice.

Police Court—2 District.

City and County } ss.:
of New York,

John Frederick

of No. 359 Broome

Street, aged 56 years,

occupation Meerschaum Pipe Manufacturer

being duly sworn

deposes and says, that the premises No 359 Broome

Street,

in the City and County aforesaid, the said being a four story brick building

and which was occupied by deponent as a store on the ground floor

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly taking off a
shutter of the front door and taking out a window
pane of the said door

on the 20th day of March 1892 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

a quantity of
pipes, cigar holder, cigarette holder, and other
property of the value of about two thousand
dollars
\$ 2,000

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

John Carr, David Collins, George Smith,
Frank Pope, and Allen Howard (all being)

for the reasons following, to wit: Deponent left the said
property in the said store which was
securely locked and closed by deponent
on Saturday March 19 1892 at the hour
of 10 o'clock p.m. Deponent found the
said store broken open as aforesaid and
the said property missing on the morning
of Sunday March 20 1890. Deponent
is informed by Mathias Marty (now here)

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POOR QUALITY
ORIGINAL

that he was near the said premises about the hour of 12,20 o'clock A.M. on said date and there saw the defendant John Carr in company with another unknown man standing in the doorway of said premises, and deponent is informed by defendant Allen Howard that, subsequent to said burglary, the defendant George Smith who was known to him as Gus Specht, offered a large part of said property to him for sale, and exhibited to him a quantity of merchandise pipes, cigar holder and cigarette holder including a part of said stolen property, and that the said George Smith subsequently showed him a part of said stolen property then secreted at No 163 South First Street Princeton E. D. and that the said Allen Howard on Saturday March 26 received a part of the said stolen goods from the defendant George Smith and that the said Howard then gave defendant George Smith one hundred dollars deposit on the said goods: that the said one hundred dollars was in five twenty dollar notes. and deponent is informed by Detective

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

Degree

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Signed.

0365

POOR QUALITY
ORIGINAL

Police Court, District.

City and County } ss.
of New York, }

of No. Street, aged years,
 occupation being duly sworn, deposes and says,
 that on the day of 188 .., at the City of New
 York, in the County of New York,

Stephen O'Brien (nowhere) that on the
 24th day of March 1882, he saw the
 defendant George Smith and Allan
 Howard in conversation together at Grand
 Street near the corner of East Street;
 that he saw them take the ferry boat to
 Brooklyn E. D.; that the said Smith and
 Howard were then followed by the
 defendants Pope and Farr; that the
 said O'Brien, on the same day, went
 to Brooklyn E. D. and, about the hour of
 1 o'clock P. M. he saw the said
 Howard and Smith come back to the
 ferry to New York together, and they were
 followed on the same boat by the
 said Pope and Farr, and that when
 they reached New York the said Smith
 left the said Howard and joined
 the said Pope and Farr and spoke
 to them; that then Pope and Farr
 went back to the house 169 South
 First Street Brooklyn which house as
 deponent is informed by said O'Brien
 is the residence of the defendant
 David Collins. Deponent is further
 informed by the said O'Brien that at
 various times subsequent to said burglary
 and while negotiations were going
 on between defendants Howard and
 Smith, he saw the defendants Pope
 Collins and Farr in conversation
 with the said Smith and Howard
 and deponent has since seen

Sworn to before me this day
 of 1882
 John J. [illegible]

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POOR QUALITY ORIGINAL

at Police Headquarters a large part of the
said stolen property which he has identified
as part of the proceeds of said burglary.

Sworn to before me this 29 day
of March 1892
[Signature]
Police Justice.

John Friedrich

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars, and be committed to the Warden and Keeper of the City
Prison of the City of New York, until he give such bail.
Dated 188 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188 Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 188 Police Justice.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1
2
3
4

Offence,

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions

POOR QUALITY
ORIGINAL

(1885)

Sec. 198—200.

2
District Police Court

CITY AND COUNTY }
OF NEW YORK, } ss.

David Collins being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is his right to
make a statement in relation to the charge against him; that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer.

David Collins

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York.

Question. Where do you live and how long have you resided there?

Answer.

48 Ridge St. Manhattan

Question. What is your business or profession?

Answer.

Compositor

Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty—
David Collins.*

Taken before me this
day of *March* 189*2*

Police Justice.

[Signature]

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POOR QUALITY
ORIGINAL

(1335)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK.

2 District Police Court

Frank Pope being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is his right to
make a statement in relation to the charge against him; that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer.

Frank Pope

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York

Question. Where do you live and how long have you resided there?

Answer.

178 Spring St. All my life

Question. What is your business or profession?

Answer.

Driver

Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?

Answer.

I have nothing to say
Frank Pope

Taken before me this
day of March 1892

29

Police Justice.

[Signature]

POOR QUALITY
ORIGINAL

(1885)

Sec. 198—200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2nd District Police Court

George Smith being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is h^e right to
make a statement in relation to the charge against h^e ; that the statement is designed to
enable h^e if he see fit to answer the charge and explain the facts alleged against h^e ;
that he is at liberty to waive making a statement, and that h^e waiver cannot be used
against h^e on the trial.

Question. What is your name?

Answer. *George Smith*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live and how long have you resided there?

Answer. *321 E 5th St. 2 months*

Question. What is your business or profession?

Answer. *Iron Worker*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?

Answer. *I have nothing to say*

Geo Smith
I waive further examination
Geo Smith

Taken before me this
day of *March* 1892

Police Justice.

POOR QUALITY ORIGINAL

0370

2nd 353
Police Court (223) District
2nd 353
March 20-1892
2 PM.
Harris, or bail

BAILLED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

Robert
Henry
59 2nd Avenue
Michael Reicherberger
59 2nd Avenue
at office looking at photo of Smith to bring
Harris to court
Harris brought
of Harris

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Smith
349 Avenue
James Smith
James Pope
David Collins
John Carr
Allen Howard
March 29 1892
Magistrate
Office

Witnesses
John Carr
Michael Carr
March 29 1892
Magistrate
Office

Witnesses
John Carr
Michael Carr
March 29 1892
Magistrate
Office

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____ guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of Twenty Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.
Dated March 29 1892 James Smith Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named George Smith guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars, 2000 and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated March 20 1892 James Smith Police Justice.

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POOR QUALITY
ORIGINAL

May 5th, 1893.

To the Governor of the State of New York,
Albany, N.Y.

Sir :

I have the honor to acknowledge the receipt of a communication under date of January 23, 1893, informing me that application for Executive clemency has been made on behalf of

ALLEN HOWARD
ALIAS
McNAB

WHO UPON HIS PLEA OF GUILTY, to the crime of Receiving Stolen Goods, made before Hon. Frederick Smyth, Recorder, in the Court of General Sessions, of this county, was sentenced on May 28, 1892, to imprisonment in State prison for the term of three years.

The facts in this case are as follows:

In the month of March 1892, one John Fredericks was engaged in business at No. Broome Street, as a manufacturer of and dealer in meerschaum pipes. On the evening of March 19, 1892, which was Saturday, he closed his store at 10 o'clock, locking the door securely as he was accustomed to do. There was a large wooden shutter which closed before the door, and wooden shutters all around the window. There are three different locks to the door, and he was positive he locked each of them. The shutter was fastened with two iron spikes on the top which entered the woodwork of the

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POOR QUALITY
ORIGINAL

2.

door. At that time his place contained stock which he valued at \$4,000.

He returned to his store on Sunday morning following at about half-past ten o'clock, and found that the premises had been broken into, a pane of glass had been broken, and there were a number of pieces of glass in the street in front of his store. Almost his entire stock was stolen. He at once reported his loss to the police authorities, and officers were detailed on the case.

Mathias Mertz, who resided at 366 Livingston Street, Brooklyn, was employed as a clerk in the premises where Mr. Frederick's store was situated. On the Saturday night in question between twelve and one o'clock, he was in the vicinity with a young lady with whom he was keeping company. While there he saw a man named John Gorr, who was subsequently arrested by the police for complicity in the burglary, and who Mertz positively identified.

The result of the detectives' investigation of this case was that their suspicions fell upon a number of persons, all of whom they carefully watched.

On the Thursday following the burglary, Detective Sergeant Stephen O'Brien, saw this prisoner in company with a man named Smith, at the Grand Street Ferry, and he followed them to a restaurant, No. 516 Grand Street. Gorr, above-mentioned, and another man named Pepe were in the doorway. The detectives saw this prisoner

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POOR QUALITY
ORIGINAL

3.

and Smith come out of the restaurant, and walk down Grand Street towards the ferry. Gorr and Pepe followed them. Detective O'Brien and another officer named McCauley, who was with him continued to follow the party. They went over to Brooklyn on the ferry, and Detective O'Brien saw the prisoner and Smith embark from the boat, and walk up Grand Street, Williamsburg, on the right hand side; the other two, Gorr and Pepe, while undoubtedly in their company, still lagged a little behind them, but went in the same direction. Occasionally Gorr and Pepe would jump into a doorway, thus indicating that they were being followed. The officers discontinued following the men, returned to the ferry entrance where, they waited until about one o'clock, when this prisoner and Smith returned, and behind them were Gorr and Pepe. All four men got on the same boat, and the officer also went aboard. When they reached the New York side, the prisoner and Smith got off and Gorr and Pepe followed them. In this manner the officers kept track of the men, following them again over to Williamsburg and again to the restaurant in Grand Street, this city, and also at other places. At times the officers had recourse to a covered wagon in which they would follow the party.

It appears that this prisoner, Howard, kept a restaurant on Grand Street, which was a place of rendezvous for the party, and

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POOR QUALITY
ORIGINAL

4.

they were also followed to that place.

On Saturday night, one week after the burglary, the officers then feeling satisfied that their proofs were adequate, and from the information they had, arrested Pope, Collins and Goff, as parties who had taken part in the burglary at Frederick's store. This prisoner, Howard, was also arrested and turned state's evidence. His statement was that while he was in business at 43 Great Jones Street, he was approached by a man named Gus Specht, who was indicted for complicity in the Frederick's burglary, as George Smith. Specht asked him to buy some meerschaum pipes and the prisoner said he didn't do that kind of business, but at Specht's request, he said he might know somebody who would buy the goods, and he made an appointment with Smith to meet him the same day at Grand Street ferry. Smith also informed him that he had bought the goods. The prisoner communicated with a man named Charles Seaton, and found he was willing to buy them, and made an appointment for Saturday to meet Smith in Williamsburg at the residence of a Mr. Collins. Smith told the prisoner that he wanted \$500 for the goods. A sample of the goods was submitted by the prisoner to Seaton at the same time he received from Seaton a twenty dollar bill. The prisoner gave Smith subsequently four twenty dollar bills, and received some goods from him. These goods the prisoner took the Vanderbilt Hotel

0375

POOR QUALITY
ORIGINAL

on 42nd Street, where he registered under the name of George Robinson. Seaton was with him. When the package was opened it was found that the goods bore the name and imprint of Frederick's, and when Seaton observed that he refused to have anything to do with them. Subsequently, this prisoner was arrested. He stated that he had theretofore served two terms in the Penitentiary for burglary.

Four men were arrested and indicted for burglary in the third degree upon the facts before stated, which were elicited upon the trial of two of them, whereat they were convicted. This prisoner upon arraignment plead guilty to the crime of Receiving Stolen Goods, when he was sentenced as before stated.

It is true that this prisoner undoubtedly aided the police authorities in causing the arrest of the guilty parties, and also in his testimony upon the trial contributed to secure their conviction, and in consideration thereof, it was proper that some degree of leniency should be extended to him. His character, however was bad, and in determining the degree of punishment to be imposed upon him, the Court, undoubtedly, was influenced thereby. The sentence imposed upon this prisoner was pronounced by the learned Recorder with full knowledge of all the facts and circumstances hereinbefore recited, and having been passed in the due exercise of judicial discretion, I can see no reason why the same should be modified.

I recommend that this prisoner's application be denied.

I remain with great respect,

Your obedient servant, DeLancey Nicoll. Dist Atty.

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POOR QUALITY
ORIGINALSTATE OF NEW YORK
Executive Chamber
ALBANY

Oct 24 1895

Dear Sir:

Application for Executive clemency having been made on behalf of George Smith who was convicted of burglary 2^d offense in the County of New York and sentenced May 23 1892 to imprisonment in the State Prison for the term of 9 years + 6 months. I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

Hon. John R. Fellows
District Attorney
New York

Ashley W. Cole.
Private Secretary.

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POOR QUALITY
ORIGINAL

Inm 92

STATE OF NEW YORK
Executive Chamber
ALBANY

Oct 24 1895

Dear Sir:

Application for Executive clemency having been made on behalf of George Smith who was convicted of burglary 3^d 2^d offense in the County of New York and sentenced May 23 1892 to imprisonment in the State Prison for the term of 9 years & 6 months I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

Hon. John R. Fellows
District Attorney
New York

Ashley W. Cole.
Private Secretary.

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POOR QUALITY
ORIGINAL

New York, October 28th, 1895.

Hon. Frederick Smyth:

Dear Sir:-

An application has been made for the pardon of one George Smith, who was sentenced by you on May 23d, 1892 for nine and one half years, on his plea of guilty of burglary in the third degree, second offense.

The District Attorney, I presume, will communicate with you, as his office has already been notified by the Governor for information touching this matter.

I examined the papers in the case, and can find nothing but the indictment, from which it appears that this man pleaded guilty. There are no minutes of the facts, nor can the Police Court papers be found.

It seems that the said defendant was previously convicted of assault in the second degree, and had been to State prison under a sentence of four years, by Judge Cowing, on October 31st, 1887. The papers on their face, would indicate that this defendant was a hardened and confirmed criminal; but from what I now learn, I am convinced that the facts were not fully before you at the time you sentenced him. Under his plea of guilty, you gave him nine years and six months, which evidently was the maximum sentence you could impose. The young man has now been three years in State prison under that sentence.

His mother, a widow, is an old client of mine, and is a most respectable woman. She having married a second time, her boy, the defendant herein, was denied the house by his

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POOR QUALITY
ORIGINAL

step-father and it was about this time that he committed the crime alleged. I assume that his plea of guilty was the proper thing, and I assume that he was guilty; but the period of nine and one half years, he will have to serve in full, besides the additional term that he saved by good behavior on his first conviction, which will be about another year.

This young man was about eighteen years when his first offense was committed, and from an examination of the papers it appears that a police officer charged him with having thrown a brick at him while he was arresting another person. It strikes me that the boy's punishment then of four years was ample for throwing a brick at a police officer where there were no wounds inflicted.

The defendant's case is now before the Governor, and much depends upon the recommendations made by you and the District Attorney, as to whether he can be pardoned or not. I feel that his incarceration for three years under his last offense of burglary in the third degree is ample punishment for said crime; but I would make no objection to the sentence of nine years and six months then imposed, were it not for the fact that he can earn nothing by good behavior or exemplary conduct. His career in prison for the last few years, has been one of atonement and regret; and I feel assured, knowing his mother as well as his brothers, one of whom is a practicing physician in our city, that his pardon will be well merited, and that society will have no occasion in the future to fear or censure the defendant's conduct.

The indictment under which he pleaded guilty was most defective, and had your attention been called to the errors

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**POOR QUALITY
ORIGINAL**

therain contained, I am sure you would have dismissed the allegations of the second offense. But as that has been waived by his plea, I make this appeal to you, believing that justice has been fully satisfied, and that his discharge will now be a humane and merciful act. His age at the present time is about twenty-six years, his step-father is no longer living, a good home awaits him, with a kind and indulgent mother, and brothers who will give him every necessary encouragement.

Respectfully yours,

Wainhope Lyman

0381

POOR QUALITY
ORIGINAL



Wardhope, Lynns, Justice.

Louis C. Brown, Clerk.
John Percell, Clerk.

First Judicial District Court,
S. W. cor. Chambers & Centre Sts.,

New York, Dec 14th 1895

Mr. Frederick Smyth.

My dear Sir
In keeping with
our interview of yesterday I send
you affidavit of Mother. I am
convinced this pardon if granted
will be a just and kind act and
I hope that this woman may have
restored to her this wayward son.
Yours Sincerely
Wardhope Lynns

P. S. If you would kindly advise
me when you send the papers
back I will be able to tell Mrs
Oelling when to go to Albany as
she is fearful that the matter
will go over until Jan 1st when her
application will be delayed

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POOR QUALITY
ORIGINAL

First Judicial District Court,
32 Chambers Street,
(Old Criminal Court House),
City Hall Park,
New York, Dec 12 1895

Washburne, Lynn, Justice.

Hon Frederick Smyth
Dear Sir

In the case of the young
man Smith the papers of which are before
you I am requested by the mother
to hasten the filing of the papers with
the Governor so that he might act
on the case before the Legislative
Session begins as the rule against
considering applications for pardon
begins with the New Year.
Hoping you will give this case
a successful consideration

Yours Sincerely
Washburne

RECORD.

No. 8/8

Name,

Augustus Speck-

Alias,

Geo Smith-

Date of Arrest,

March 26/92

Cause of Arrest,

Burglary

Date of Sentence,

May 23/92

From where Sentenced, Court of S. S.

Judge, Recorder Smyth-

To what Prison,

Sing Sing.

Term of Imprisonment,

9 years and 6 months

Arrested by

O'Brien & Mc Canley

Name of Complainant,

John Frederick, 359 Broome St.

Date of Discharge from Prison,

How many times Convicted to your knowledge,

REMARKS:

Pled guilty to Burglary 3rd Deg.
2nd offence.

RECORD.

No. 818

Name,

Gustave Specht-

Alias,

Date of Arrest,

Oct- 22/87

Cause of Arrest,

Felonious Assault.

Date of Sentence,

Oct- 31/87 -

From where Sentenced,

Court. of L.S.

Judge,

Corning

To what Prison,

Sing Sing.

Term of Imprisonment,

Four years.

Arrested by

*Off Casper Beck
13th Precinct-*

Name of Complainant,

The Officer

Date of Discharge from Prison,

How many times Convicted to your knowledge,

REMARKS:

Tomb Prison May 22/92
Hon Recorder Smyth

Dear Sir:—I wish to ask you to be kind enough to read this before you pass sentence upon me. I plea guilty to this charge of burglary, because circumstances compelled me to do so; it is bad enough to plea to this charge without adding perjury, which I wish to avoid I therefore did not stand my trial.

I hope you do not condemn me, because I had the misfortune of being in prison before, A friend and myself were intoxicated, and an officer was striking my

0386

POOR QUALITY
ORIGINAL

friend when I told him trade to work at, since
stop, and assaulted him my confinement to the
with a brick stone, and toms (near two month), I have
got 4 years for assault released my folly and
in the 2nd degree, I hope foolishness and came to
you not punish me to the conclusion that "Honesty
serve on account of this is the best of policy," and
former offence, as I think therefor have one more
I suffered enough for that chance to reform when
foolish act.

hoping will take into Which your Honor I swear
consideration this plea to you before God that
and fact of the little I will do, go to work and
trouble and expense to lead an honest, respectable
the Court, I am a young life, and do all in my
man 23 yrs of age, the best power to help and support
part of my life before, I my mother, and make
come from good, honest and this the turning part of
respectable parents, have a my life.
good home to go to, and I sincerely hope you

will consider this and
be merciful as I am a
young man and not
telling you any lies, I ask
this in true faith, hoping
you will be as lenient
as possible in my case,
if not for my sake, why
please your Honor do this
for my poor mother's sake,
I assure you your Honor
you will never have cause
to regret this in after life,
I implore to God you will
deal with me lenient and
give me a chance to make
a man of myself.

I remain your Humble
and Obedient servant
George Smith

District Attorney's Office,
City and County of New York.

November 14th 1895

Hon. Frederick Smyth -

Dear Judge - Herewith, please
find a letter concerning the case of one
George Smith, in whom, I believe, Judge
Lyon is somewhat interested.

The papers in this case are
at the present time in your office, having
been sent there several days ago.

Very Respectfully Yours

Edw. T. Flynn

Sec'y to the Dist. Attny.

0389

POOR QUALITY
ORIGINAL

District Attorney's Office,
City and County of New York.

November 14th 1895-

Hon. Frederick Smyth -

Dear Judge - Herewith, please
find a letter concerning the case of one
George Smith, in whom, I believe, Judge
Lyon is somewhat interested.

The papers in this case are
at the present time in your Office, having
been sent there several days ago.

Very Respectfully Yours

Edw. T. Flynn
Sec'y to the Dist. Attny.

7390

POOR QUALITY
ORIGINAL

District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

October 28th 1895

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officers Heard and
Reap attached to your command in
May 1892 — in relation to the case of
George Smith
sentenced May 23rd 1892 to Nine
years and Six months imprisonment by
Recorder Smyth for Burglary 3rd Deg.

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly, Geo. E. Flynn

~~HENRY M. HENDERSON~~

Secretary to the District Attorney.

7391

POOR QUALITY
ORIGINAL

Koe-
Barenberg=

0392

POOR QUALITY
ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

George Smith

The Grand Jury of the City and County of New York, by this
Indictment accuse George Smithof the crime of Burglary in the third degree
as a SECOND OFFENSE, committed as follows:Heretofore, to wit: at a court of General Sessions of the Peace, holden in and
for the City and County of New York, at the City Hall, in the said City of New York,on the thirty-first day of October, in
the year of our Lord, one thousand eight hundred and ninety-two,before the Honorable Rufus B. Cowing, City
Judge of the City of New York

and Justice of the said Court, the said George Smith

by the name and description of Gustav Specht

was in due form of law convicted of a felony

to wit: Assault in the second degree

upon a certain indictment then and there in the said Court depending against him

the said George Smith by the

name and description of Gustav Specht

as aforesaid,

for that He

then late of the

0393

POOR QUALITY
ORIGINAL

____ City of New York, in the County of New York aforesaid, on the
nineteenth day of September in the
year aforesaid, at the _____ City and
County aforesaid, with force and arms, feloniously made
an assault in and upon one Casper
Bock then and there being a patrol-
man of the Municipal Police of
the City of New York, and as such
patrolman being then and there en-
gaged in the lawful apprehension of
one James Kingsley for disorderly
conduct; and the said he, him the
said Casper Bock then and there
feloniously did beat, strike, wound
and otherwise illtreat, with intent then
and there and thereby to prevent and re-
sist the lawful apprehension of the
said James Kingsley as aforesaid

And Thereupon, upon the conviction aforesaid, it was considered

by the said Court of General Sessions of the Peace, and ordered and adjudged that

the said

by the name and description of

as aforesaid,

for the

whereof

he was so convicted as aforesaid, be imprisoned in the State

Prison

at hard labor for

the term of

as by the record thereof doth more fully and at large appear.

And the said

late of the

ward of the

City of New York, in the

County of New York aforesaid, having been so as aforesaid convicted of the

said felony and assault in

manner aforesaid, afterwards, to wit: on the twentieth day of

March

in the year of our Lord one thousand eight hundred

and ninety-two at the Ward, City and County aforesaid, with force

and arms, in the night-time of the same day,

a certain building there situate, to wit:

the store of one John Friedrich

there situate, feloniously and burg-

lariously did break into and enter,

with intent to commit some crime

therein, to wit: with intent the goods

chattels and personal property of the

said John Friedrich, in the said

store then and there being, then and

there feloniously and burglariously to

steal, take and carry away: against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Second Count.

And the Grand Jury aforesaid, by this indictment, further accuse the said George Smith of the crime of Grand Larceny in the first degree as a second offense, committed as follows:

The said George Smith, late of the Ward, City and County aforesaid, having so as aforesaid been convicted of the said felony and assault as set forth in the first count of this indictment, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, ten pipes of the value of twenty-five dollars each, sixty other pipes of the value of five dollars each, twenty-five other pipes of the value of ten dollars each, ten other pipes of the value of twenty dollars each, twenty other pipes of the value of fifteen dollars each, seventy-five cigar

holders of the value of two dollars each, seventy-five cigarettes holders of the value of one dollar each, and diverse other goods, chattels and personal property, (a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of five hundred dollars, of the goods, chattels and personal property of one, John Friedrich in the store of the said John Friedrich there situate, then and there being found in the store aforesaid, then and there feloniously did steal, take and carry away against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Third Count.

And the Grand Jury aforesaid, by this indictment further accuse the said George Smith of the crime of Receiving stolen goods, as a second offense, committed as follows:

The said George Smith late of the Ward, City and County aforesaid, having been as aforesaid convicted of the said felony and assault, as

0397

POOR QUALITY
ORIGINAL

set forth in the first count of this indictment, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, the same goods, chattels and personal property described in the second count of this indictment, of the goods, chattels and personal property of one John Friedrich, by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said John Friedrich unlawfully and unjustly did feloniously receive and have: (the said ~~George Smith~~ ^{George Smith}, ~~John Lane~~, ~~David Collins~~, ~~Frank Pope~~ and ~~Allen Howard~~ then and there well knowing the said goods, chattels and personal property to have been feloniously stolen against the form of the Statute in such case made and provided and against the peace of the People of the state of New York and their dignity.)

De Lancey Nicoll,
District Attorney

0398

BOX:

473

FOLDER:

4335

DESCRIPTION:

Smith, James

DATE:

03/11/92



4335

0399

POOR QUALITY
ORIGINAL

Witnesses:
Harry P. Wilson

De Lancey Nicoll
Counsel,
Filed 11 day of March 1892
Pleads, Chattel 14

Accounting to demand
Grand Larceny, 1st & 2nd Degree.
[Sections 528, 529, 530, Penal Code.]

THE PEOPLE
vs
us. vs
James Smith

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

De Lancey Nicoll

Foreman.
Part 3. March 1892
Pleads Guilty.
Sho's
1915 more SP
Sore

0400

POOR QUALITY
ORIGINAL

Police Court

1 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No.

occupation

deposes and says, that on the

New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the

the following property, viz:

Shoes of the value of Fifty dollars

the property of

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

from the fact that deponent detected the defendant in the act of prying open the door of a shoe case in which said property was contained in front of No 7 Murray Street

Henry Wilson

Sworn to before me, this
1892
of
1892
Police Justice.

0401

POOR QUALITY
ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Smith being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*; that the statement is designed to
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *James Smith*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *MS.*

Question. Where do you live, and how long have you resided there?

Answer. *221 William St*

Question. What is your business or profession?

Answer. *Butcher*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *I am not guilty*
James Smith

Taken before me this
day of *March* 188*9*
Adminton
Police Justice.

**POOR QUALITY
ORIGINAL**

Police Court--- District 296

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry J. Wilson
James Smith

1
2
3
4

Offence *Attempted Grand Larceny*

Dated *March 18 1892*
Wm. M. Smith Magistrate.

Residence _____ Street _____
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____

1000 to answer
Smith

MAILED
MAR 7 1892
DISTRICT ATTORNEY'S OFFICE

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named *Alfredant*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *1000* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated _____ 18 *Wm. M. Smith* Police Justice.

I have admitted the above-named _____
to bail to answer by the undertaking hereto annexed.

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____
guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0403

POOR QUALITY
ORIGINAL

505

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Smith

The Grand Jury of the City and County of New York, by this indictment, accuse

James Smith of the crime of attempting to commit

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

James Smith

late of the City of New York, in the County of New York aforesaid, on the *fifth*
day of *March* in the year of our Lord one thousand eight hundred and
ninety-*two* at the City and County aforesaid, with force and arms,

thirty shoes of the value of two
dollars each

of the goods, chattels and personal property of one

then and there being found, then and there feloniously did ^{attempt to} steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

Henry P. Wilson
attempt to

DeLaney Moll
District Attorney

0404

BOX:

473

FOLDER:

4335

DESCRIPTION:

Smith, Josie

DATE:

03/23/92



4335

0405

POOR QUALITY
ORIGINAL

No 113

Counsel,

Filed,

23 day of March 1892

Pleads,

Not guilty.

THE PEOPLE

vs.

P.

Josie Smith

KEEPING A HOUSE OF ILL-FAME, ETC.
(Sections 822 and 885, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. W. W.

Foreman.
Complaint sent to the Court
of Special Sessions,

March 15th 1892.

Witnesses:

H. Andrew Vincent H.P.

0406

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Josie Smith

The Grand Jury of the City and County of New York, by this indictment accuse

Josie Smith

(Sec. 322,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE
OF ILL-FAME, committed as follows:

The said *Josie Smith*

late of the *Seventeenth* Ward of the City of New York, in the County of New York afore-
said, on the *Twenty-fifth* day of *February* in the year of our Lord
one thousand eight hundred and ninety-*two* and on divers other days and times, as
well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County
aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep
and maintain; and in said house divers ill-disposed persons, as well men as women, and common
prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully
and wickedly did receive and entertain; and in which said house the said evil-disposed persons and
common prostitutes, by the consent and procurement of the said

Josie Smith

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlaw-
ful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night
as in the day, were there committed and perpetrated; to the great damage and common nuisance of
all the good people of the said State there inhabiting and residing, in manifest destruction and sub-
version of and against good morals and good manners, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said

Josie Smith

(Sec. 385,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Josie Smith*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *Twenty-fifth*
day of *February* in the year of our Lord one thousand eight hundred and

0407

POOR QUALITY
ORIGINAL

ninety-*two*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment further accuse the said

Jessie Smith

(Sec. 322,
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

Jessie Smith

late of the Ward, City and County aforesaid, afterwards, to wit: on the *Twenty-fifth* day of *February* in the year of our Lord one thousand eight hundred and ninety-*two* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0408

BOX:

473

FOLDER:

4335

DESCRIPTION:

Stegman, Rudolph

DATE:

03/18/92



4335

**POOR QUALITY
ORIGINAL**

Part 2 - April 11, 1892. ^{Forgran.}
 Bird and Cowbird. ♀
 Acrost-Third Regna.
 1/4. 17. 1892. ^{17. 1892.}
 April 14, 1892.

Part 2 - April 11, 1892.
 Bird and Gravel. #
 Account Third Regt.
 1/47 Regt. #
 April 14/92.

Police Court—

District

City and County } ss.:
of New York,

of No.

occupation

deposes and says, that on the

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Rudolph Stegman (nowhere)

who did feloniously cut and stab
deponent on the upper lip with the
blade of a pen knife he defendant
held in his hand and said
assault was committed

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me this

of

day

188

Police Justice.

Wilhelm Damm

04 12

POOR QUALITY
ORIGINAL

(1885)

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Rudolph Stegman being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is his right to
make a statement in relation to the charge against him that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer.

Rudolph Stegman

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Germany

Question. Where do you live and how long have you resided there?

Answer.

No home

Question. What is your business or profession?

Answer.

Machinist

Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?

Answer.

I am not guilty
Stegmann Rudolf

Taken before me this
day of March 1897
J. Mitchell
Police Justice.

0413

POOR QUALITY
ORIGINAL

December 8th / 91
Rudolph Stegmüller
22, German Machine
27th East, 10th St Chicago
Ill.
Striking, Assault,
Pecking in the face
Discharged by Judge
Duffell,
Officer Clinton
14th Prec.

POOR QUALITY
ORIGINAL

BAILED,

No. 1, by.....

Residence.....

Street.....

No. 2, by.....

Residence.....

Street.....

No. 3, by.....

Residence.....

Street.....

No. 4, by.....

Residence.....

Street.....

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William W. Hunt
2118 East 4th St
White Plains, N.Y.

Offense

Cell Assault

Dated

March 6 1892

Magistrate

Officer

Witness

No. 1

116 East 12th St

No. 2

Street

No. 3

Street

No. 4

1008 to answer



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, March 6 1892 J. W. Hunt Police Justice.

I have have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 1892 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order h to be discharged.

Dated, _____ 1892 _____ Police Justice.

0415

POOR QUALITY
ORIGINAL

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Rudolph Stegman

The Grand Jury of the City and County of New York, by this indictment, accuse
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows :

The said Rudolph Stegman

late of the City of New York, in the County of New York aforesaid, on the Second
day of March in the year of our Lord one thousand eight hundred and
ninety two , with force and arms, at the City and County aforesaid, in and upon
the body of one William Dann in the peace of the said People
then and there being, feloniously did make an assault and him the said
William Dann with a certain knife

which the said Rudolph Stegman
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent him the said William Dann
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows :

The said Rudolph Stegman

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
William Dann in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and him the said William Dann
with a certain knife

which the said Rudolph Stegman
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Rudolph Stegman

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Rudolph Stegman

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *William Damm* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault and *him* the said with a certain *knife* *William Damm*

which *he* the said *Rudolph Stegman* in *his* right hand then and there had and held, in and upon the *face* of *him* the said *William Damm*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

William Damm

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

0417

BOX:

473

FOLDER:

4335

DESCRIPTION:

Stewart, John

DATE:

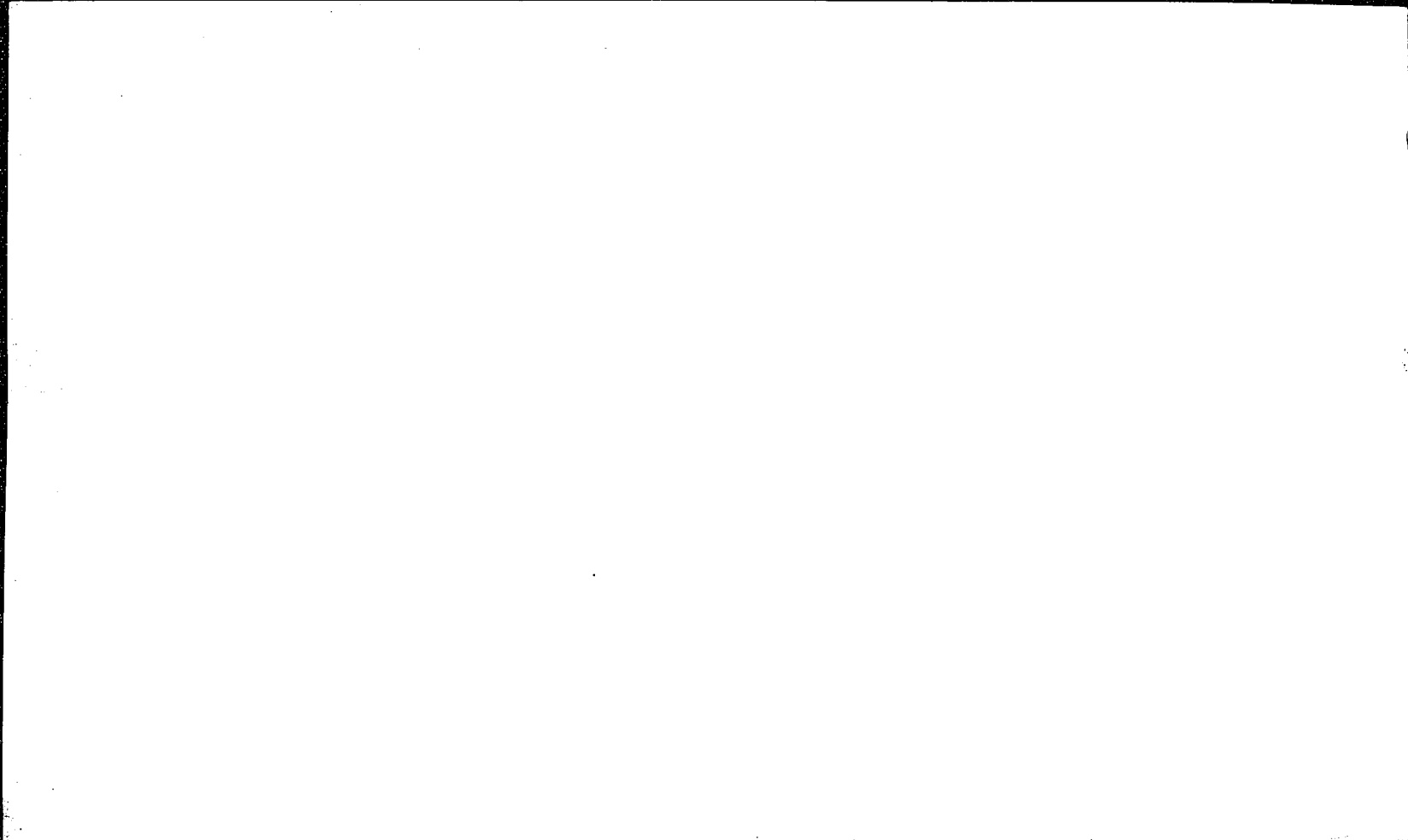
03/11/92



4335

0418

POOR QUALITY ORIGINAL



No 52 X
Counsel,
Filed 11 day of March 1892
Pleads,

Grand Larceny,
(From the Person),
[Sections 828, 829,
Penal Code.]
Grand Degree

THE PEOPLE

vs.

John Stewart

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

[Signature]
Foreman.
[Signature] J. J. Wiley
2. Jan 8 1892
Filed 10/19/92

Witnesses
[Signature]
[Signature] H. Sweeney S.P.

0419

POOR QUALITY
ORIGINAL

CITY AND COUNTY }
OF NEW YORK, } ss.

aged years, occupation John Sweeney
Police Officer of No.

51 Breunel Place Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Peter Thompson

and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 6

day of March

1892

John Sweeney
Police Justice.

(3602)

Police Court— District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 168 East 32 Street, aged 34 years,

occupation Pattern Maker being duly sworn,

deposes and says, that on the 6 day of March 1892 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the night time, the following property, viz:

One Silver Watch of the value of
Seven Dollars

\$7.00

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

John Stewart (now here) from the fact that said property was found by deponent in the left hand upper pocket of the vest worn on deponent's person. Deponent is informed by Officer John J. [unclear] of the 51 Precinct Police that he saw the said defendant leaving a hall-way with [unclear] and informed deponent that he had found a watch on the person of said defendant. Deponent has since recently said watch and fully and positively identified it as property taken stolen and carried from deponent's possession and person.

Peter Thompson

Sworn to before me, this
day of March 1892
[Signature]
Police Justice.

0421

POOR QUALITY
ORIGINAL

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John Stewart being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *John Stewart*

Question. How old are you?

Answer. *22 Years*

Question. Where were you born?

Answer. *M.S.*

Question. Where do you live, and how long have you resided there?

Answer. *Fall River Mass.*

Question. What is your business or profession?

Answer. *Waiter*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I have nothing to say**John Stewart*

Taken before me this
day of *March* 1882
John Stewart
Police Justice.

0422

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Clifford.....

Dated, March 6 1892 John A. Ryan Police Justice.

Dated, *189* *Police Justice.*

Dated,.....189.....*Police Justice.*

0423

POOR QUALITY
ORIGINAL

504

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
John Stewart

The Grand Jury of the City and County of New York, by this indictment, accuse
John Stewart
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:
The said *John Stewart*

late of the City of New York, in the County of New York aforesaid, on the *sixth*
day of *March*, in the year of our Lord one thousand eight hundred and
ninety- *two*, in the *night*-time of the said day, at the City and County aforesaid,
with force and arms,

*one watch of the
value of seven dollars*

of the goods, chattels and personal property of one *Peter Thomsen*
on the person of the said *Peter Thomsen*
then and there being found, from the person of the said *Peter Thomsen*
then and there feloniously did steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

0424

POOR QUALITY
ORIGINAL

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

John Stewart
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

John Stewart
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*one watch of the value
of seven dollars*

of the goods, chattels and personal property of one

Peter Thomsen
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Peter Thomsen
unlawfully and unjustly, did feloniously receive and have; the said

John Stewart
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0425

BOX:

473

FOLDER:

4335

DESCRIPTION:

Stewart, Thomas

DATE:

03/14/92



4335

0426

BOX:

473

FOLDER:

4335

DESCRIPTION:

McCann, James

DATE:

03/14/92



4335

0427

POOR QUALITY
ORIGINAL

Witnesses

Wm. W. Wagoner

Wm. W. Wagoner

Wm. W. Wagoner

Counsel,

Filed

1892

Pleas,

1892

THE PEOPLE

vs.

Thomas Stewart

James McAnn

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Appointed

Foreman.

Part 3. March 1892
Both plead Attorneys at
Law in the 3rd degree

for 142

1217 was 1217

[Section 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

0428

POOR QUALITY
ORIGINALPolice Court—2 District.City and County } ss.:
of New York, }of No. 551 Washington Charles Moynagh Street, aged 30 years,occupation Liquor dealer being duly sworndeposes and says, that the premises No 551 Washington Street,in the City and County aforesaid, the said being a two story brick
building.and which was occupied by deponent as a store on the first floor
and in which there was at the time ^{no} human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
open a window on the King Street
side of the storeon the 1st March
1897 day of February 1897 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:in United States money fifteen cents\$ 0.15the property of Deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byThomas Stewart and James Mc Cann
(now here)for the reasons following, to wit: Deponent left the said
premises securely locked and closed at
8 O'Clock P.M. on February 29, and the
said money was in the money drawer. De
ponent was awakened at 5 O'clock A.M.
by a policeman who found the said
place open and the said money was
gone. Deponent is informed by Mary
Ousoudte now here, who lives over the

said premises; that she saw the two
dependants in the act of committing
the said burglary; that she heard the
smashing of glass and saw the defendant
steward coming out of the said window
of the said store which was broken
and that the defendant the Cann
was there present with the said
Steward talking with him and that
the two of them were acting in concert
together and they went off together

Sworn to before me this
5th day of March
1892.

[Signature]
W. L. Crumbly

Charles Moynigh

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Burglary

vs.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0430

POOR QUALITY
ORIGINAL

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary Onondt
aged 39 years, occupation Housekeeper of No.

557 Washington Street being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Charles Mozgraph

and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 5 day of March 1892 } Mary Onondt
March

[Signature]
Police Justice.

0431

POOR QUALITY
ORIGINAL

(1885)

Sec. 198—200.

CITY AND COUNTY } ss.
OF NEW YORK }2
District Police Court

Thomas Stewart being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Thomas Stewart*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live and how long have you resided there?

Answer. *108 Charlton St - 3 years*

Question. What is your business or profession?

Answer. *Driver*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty.**Thomas Stewart*

Taken before me this

day of *March*189*2**Police Justice.*

0432

POOR QUALITY
ORIGINAL

(1335)

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK, }

James Mc Carr being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is h's right to
make a statement in relation to the charge against h; that the statement is designed to
enable h if he see fit to answer the charge and explain the facts alleged against h
that he is at liberty to waive making a statement, and that h's waiver cannot be used
against h on the trial.

Question. What is your name?

Answer. *James Mc Carr*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live and how long have you resided there?

Answer. *41 Clinton St - 14 years*

Question. What is your business or profession?

Answer. *Truck Driver*Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?Answer. *I am not guilty*

James Mc Carr
(Make)

Taken before me this *5*
day of *March*, 189*2*

Police Justice.

0433

1000 to ASSISTANCE
S. J. D. M.
Cousin
J. D. M.

Dated.....18.....Police Justice.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Thomas Stewart
and
James McCann

The Grand Jury of the City and County of New York, by this indictment, accuse

Thomas Stewart and James McCann

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

Thomas Stewart and James McCann, both

late of the *Eighth* Ward of the City of New York, in the County of New York aforesaid, on the

first day of *March* in the year of our Lord one
thousand eight hundred and ninety- *two* in the *right* time of the same day, at the

Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one

Charles Moynagh

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Charles*

Moynagh in the said *store*

then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

0435

POOR QUALITY
ORIGINAL

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

Thomas Stewart and James McEann
of the CRIME OF *Petit* LARCENY committed as follows:

The said Thomas Stewart and James McEann, both

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *night* time of said day, with force and arms,

.15¢ one silver coin of the kind called dimes
of the value of ten cents, three
nickel coins of the kind called five
cent pieces of the value of five
cents each, and ten coins of the
kind called cents of the value of
one cent each

of the goods, chattels and personal property of one

Charles Moynagh

in the

store

of the said

Charles Moynagh

there situate, then and there being found, in the *store*
aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute
in such case made and provided, and against the peace of the People of the State of New York
and their dignity.

De Lancey Nicoll
District Attorney

0436

BOX:

473

FOLDER:

4335

DESCRIPTION:

Sweeney, Eugene

DATE:

03/31/92



4335

0437

POOR QUALITY
ORIGINAL

Witnesses:

Off - Jost Teno 2d.
Off - Eugene Sweeney 2d.

L. J. Teno
Counsel,
Filed *3d* day of *March* 1892
Pleads, *Not guilty*
THE PEOPLE
vs.
Eugene Sweeney
Assault in the Second Degree,
(Resisting Arrest.)
(Section 218, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. J. Teno
Foreman.

April 5, 1892
Pleads A. 3 day
Pen one up

0438

POOR QUALITY
ORIGINAL

Police Court.

1 District.

CITY AND COUNTY } ss:
OF NEW YORK,

of the 2nd Precinct Street, aged 22 years,
occupation Police Officer being duly sworn, deposes and says, that
on the 22nd day of October 1891 at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by Eugene Sweeney
(now here) who while in custody as
a prisoner charged with larceny did
kick Applicant causing him to fall to the
ground and then kicked Applicant about
the head Applicant being in uniform at the
time and acting as the discharge of his duties as a
Police Officer
without any justification on the part of the said assailant.

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
the above assault, &c., and be dealt with according to law.

Sworn to before me, this 21

day of March 1891

Jacob W. Feess

Police Justice.

0439

POOR QUALITY
ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Eugene Sweeney being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*; that the statement is designed to-
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *Eugene Sweeney*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *WS*

Question. Where do you live, and how long have you resided there?

Answer. *109 Washington Street*

Question. What is your business or profession?

Answer. *Steam boatman*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *I am not guilty*
Eugene Sweeney

Taken before me this
day of *March* 190*4*

Police Justice.

0440

POOR QUALITY
ORIGINAL

S. G. COOK, M. D.,
No. 111 WEST 12th STREET,
(Two doors W. of 6th Ave.)

OFFICE HOURS:
From 11 to 1.
" 6½ to 7½ P. M.

New York, Nov 5th 1891

Hon Board of Police
Gentlemen.

This is to
certify that Joseph Fess,
Patrolman of 2nd Precinct
was on Sick List from
A. M. Oct. 22nd 1891 to A. M.
Nov. 5th 14 days, by
reason of lacerated
wounds of forehead and
cheek.

Respectfully
S. G. Cook M.D.
Surgeon 2nd Precinct.

0441

POOR QUALITY ORIGINAL

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court--- District. 322
THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Stead,
Eugene University
Offense *Assault*
2nd degree
Date *March 21* 189*2*
Cliffy Magistrate.
Stead Officer.
Witnesses
Charles Mcneers Precinct.
Paul L. Linn Street.
No. *19* *Dever Place* Street.
No. *19* *Dever Place* Street.
No. *11000* Street.
Committee

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *ten* Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *March 21* 189*2* _____ Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offense within mentioned, I order h _____ to be discharged.

Dated, _____ 189 _____ Police Justice.

0442

POOR QUALITY
ORIGINAL

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Eugene Sweeney

The Grand Jury of the City and County of New York, by this indictment accuse

Eugene Sweeney
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Eugene Sweeney

late of the City of New York, in the County of New York aforesaid, on the twenty-second
day of October in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms, feloniously made an
assault in and upon one Jacob W. Feess

then and there being, a patrolman of the Municipal Police of the City of
New York, and as such patrolman being then and there engaged in the lawful
apprehension of him, the said
Eugene Sweeney,

and the said Eugene Sweeney
him the said Jacob W. Feess
then and there feloniously did beat, strike, wound and otherwise illtreat, with intent then and there
and thereby to prevent and resist the lawful apprehension
of him, the said Eugene Sweeney, as aforesaid,
against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.